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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edenson *et al.*

Art Unit: 3621

Serial No.: 09/170,864

Examiner: Elisca, Pierre E.

Filed: 13 October 1998


Docket No.: TI-25667

For: SECURE DISTRIBUTION OF DIGITAL DATA

APPEAL BRIEF UNDER 37 C.F.R. § 1.192

22 February 2005

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	22 Feb 2005
Charles A. Brill	Date

Dear Sir:

The following Appeal Brief is respectfully submitted in connection with the above-identified application in response to the Final Rejection mailed 22 September 2004, and the Advisory Action mailed 11 February 2005. Please charge all required fees to the deposit account of Texas Instruments Incorporated, Deposit Account No. 20-0668.

REAL PARTY IN INTEREST

The real party in interest is Texas Instruments Incorporated, to whom this application is assigned.

RELATED APPEALS AND INTERFERENCES

There are no pending related appeals or interferences known to the Applicant's legal representative.

STATUS OF THE CLAIMS

This application was originally filed on 13 October 1998 with forty two claims, five of which were written in independent form. Claims 20, 41 and 42 were canceled, and Claim 28 was amended on 9 May 2003. Claim 30 was amended and Claims 43-53 were added by amendment filed on 20 May 2004. Claims 1-19 and 21-24 are allowed. Claims 25-40 and 43-53 have been rejected and are the subject of this appeal.

STATUS OF THE AMENDMENTS

An amendment after the final rejection was filed 22 December 2004 but did not amend the claims.

SUMMARY OF THE INVENTION

The abstract contains a brief summary of the present invention. Digital data is stored on digital storage media and authorization data is stored on an identification system module. The authorization data describes which media players are authorized to read the storage media. The invention also provides for collecting and tracking information concerning the usage of the stored data.

One application of the invention is the creation of media storing movies for theatrical release. In this application, the studio could encrypt and store video data on the media and store authorization data in an associated identification system module, for example an RF identification module embedded in or attached to the media or media cartridge, prior to shipping the media to a theater. The identification module typically is preloaded with several types of information, including information about the theatrical optical disc contents, information about the encryption algorithm used to encode the data, information about which media players and projectors are authorized to read and decode

the information on the theatrical optical discs, and information concerning the number of times the media may be used. See line 10 of page 11 through line 7 of page 12.

In use, a media player at a theater would read the authorization data from the identification system and determine whether the media player was authorized to read the data, and, if authorized, read the data from the storage media. See line 18 of page 12 through line 22 of page 13.

According to other embodiments, the media player stores information in the identification system module for later readout. Examples of data stored include: the number of times the media is read, the date and time the media is read, which media player read the data, which projector used the data, the number of people in attendance, and other data used to determine royalties and release strategies. See line 3 of page 16 through line 3 of page 17.

ISSUES

1. Whether Claim 25 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
2. Whether Claim 26 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
3. Whether Claim 27 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
4. Whether Claim 28 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
5. Whether Claim 29 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.

6. Whether Claim 30 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
7. Whether Claim 31 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
8. Whether Claim 32 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
9. Whether Claim 33 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
10. Whether Claim 34 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
11. Whether Claim 35 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
12. Whether Claim 36 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
13. Whether Claim 37 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
14. Whether Claim 38 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
15. Whether Claim 39 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.
16. Whether Claim 40 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,593,353 to Pickholtz.

17. Whether Claim 43 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland *et al.* ("Kurland").
18. Whether Claim 44 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.
19. Whether Claim 45 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.
20. Whether Claim 46 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.
21. Whether Claim 47 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.
22. Whether Claim 48 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.
23. Whether Claim 49 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.
24. Whether Claim 50 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.
25. Whether Claim 51 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.
26. Whether Claim 52 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.
27. Whether Claim 53 is anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

GROUPING OF THE CLAIMS

Claims 25 through 40 are independently patentable and stand or fall individually for the reasons more clearly set forth hereinbelow.

ARGUMENTS

Issue 1:

Claim 25 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

“A person shall be entitled to a patent unless,” creates an initial presumption of patentability in favor of the applicant. 35 U.S.C. § 102. “We think the precise language of 35 U.S.C. § 102 that, “a person shall be entitled to a patent unless,” concerning novelty and unobviousness, clearly places a burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103, see *Graham and Adams*.” *In re Warner*, 379 F.2d 1011, 1016 (C.C.P.A. 1967) (referencing *Graham v. John Deere Co.*, 383 U.S. 1 (1966) and *United States v. Adams*, 383 U.S. 39 (1966)). “As adapted to *ex parte* procedure, *Graham* is interpreted as continuing to place the ‘burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103’.” *In re Piasecki*, 745 F.2d 1468 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d at 1016).

“The prima facie case is a procedural tool which, as used in patent examination (as by courts in general), means not only that the evidence of the prior art would reasonably allow the conclusion the examiner seeks, but also that the prior art compels such a conclusion if the applicant produces no evidence or argument to rebut it.” *In re Spada*, 911 F.2d 705, 708 n.3 (Fed. Cir. 1990).

The applicant respectfully submits the Examiner has failed to meet the burden of proof required to establish a *prima facie* case of anticipation. Section 2131 of the Manual of Patent Examiner's Procedure provides:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053, (Fed. Cir. 1987). . . . "The identical invention must be shown in as complete detail as contained in the . . . claim."

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as in the claim under review *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Examiner has failed to present any teaching in Pickholtz that teaches "an identification system module corresponding to said digital storage medium, said identification system module containing an authorization code describing which media players are authorized to read digital data from said digital storage medium" as recited by Claim 25.

In contradistinction to "an identification system module" recited by Claim 25, Pickholtz teaches "stored on disc 18 together with the proprietary software are a first authorization code and a second authorization code."

In contradistinction to "an authorization code describing which media players are authorized to read digital data from said digital storage medium" recited by Claim 25,

Pickholtz teaches a system that reads from the media, but will not execute the software read from the media unless an authorization code generated by the PRN generator match.

Issue 2:

Claim 26 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.

Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 26 depends from Claim 25 and should be deemed allowable for that reason and for further reciting, "said digital storage medium comprising an optical disc." As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 26 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 3:

Claim 27 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.

Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 27 depends from Claim 25 and should be deemed allowable for that reason and for further reciting, "said identification system module comprising a TIRIS transponder." As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 27 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 4:

Claim 28 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.

Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 28 depends from Claim 25 and should be deemed allowable for that reason and for further reciting, "said identification system module comprising a radio frequency transponder." As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 28 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 5:

Claim 29 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 29 depends from Claim 25 and should be deemed allowable for that reason and for further reciting, "said identification system stores usage information." As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 29 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 6:

Claim 30 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 30 depends from Claim 29 and should be deemed allowable for that reason and for further reciting, "said usage information comprises information concerning the number of time said digital data has been read." As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 30 and the Examiner's rejection is unsupported by the prior art,

fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 7:

Claim 31 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

The Examiner has failed to present any teaching in Pickholtz that teaches “attaching an identification system module to said digital storage medium, said identification system module containing an authorization code indicating which media readers are authorized to read said digital storage medium” as recited by Claim 31.

In contradistinction to “attaching an identification system module to said digital storage medium” recited by Claim 31, Pickholtz teaches “stored on disc 18 together with the proprietary software are a first authorization code and a second authorization code.”

In contradistinction to “an authorization code indicating which media readers are authorized to read said digital storage medium” recited by Claim 31, Pickholtz teaches a system that reads from the media, but will not execute the software read from the media unless an authorization code generated by the PRN generator match.

Issue 8:

Claim 32 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 32 depends from Claim 31 and should be deemed allowable for that reason and for further reciting, “writing digital data onto an optical disc.” As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 32 and the Examiner’s rejection is

unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 9:

Claim 33 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 33 depends from Claim 31 and should be deemed allowable for that reason and for further reciting, "attaching an RF identification system to said digital storage medium." As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 33 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 10:

Claim 34 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 34 depends from Claim 31 and should be deemed allowable for that reason and for further reciting, "attaching a TIRIS responder to said digital storage medium." As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 34 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 11:

Claim 35 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 35 depends from Claim 31 and should be deemed allowable for that reason and for further reciting, "adding a digital watermark to said digital data." Watermarks are discussed on lines 8-18 of page 10 of the specification. As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 35 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 12:

Claim 36 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 36 depends from Claim 31 and should be deemed allowable for that reason and for further reciting, "reading said digital data from said digital storage medium; and storing usage information on said digital storage medium." Usage information is described from line 3 of page 16 through line 7 of page 17. As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 36 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 13:

Claim 37 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 37 depends from Claim 31 and should be deemed allowable for that reason and for further reciting, "reading said digital data from said digital storage medium; and

transmitting usage information to a collection agency.” As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests “usage information,” much less transmitting usage information to a collection agency, Pickholtz cannot be held to anticipate Claim 37 and the Examiner’s rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 14:

Claim 38 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 38 recites, “storing usage information concerning said reading step on said storage media; and transmitting said information to an information collection agency.” Usage information is described from line 3 of page 16 through line 7 of page 17.

The Examiner has failed to attempt to read Pickholtz on the above recited limitations of independent Claim 38. The Examiner’s rejection therefore is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 15:

Claim 39 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 39 depends from Claim 38 and should be deemed allowable for that reason and for further reciting, “storing usage information concerning said reading step in an identification system module attached to said storage media.” As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation,

Pickholtz cannot be held to anticipate Claim 39 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 16:

Claim 40 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,593,353 to Pickholtz. The applicant respectfully disagrees.

Claim 40 depends from Claim 38 and should be deemed allowable for that reason and for further reciting, "transferring said identification system to a distributor." As the Examiner has not pointed to any reference in Pickholtz that shows, teaches, or suggests this limitation, Pickholtz cannot be held to anticipate Claim 40 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 17:

Claim 43 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland ("Kurland").

Claim 43 recites, "a digital storage medium for storing digital data; and an identification system module corresponding to said digital storage medium, said identification system module containing an authorization code, said authorization code operable to authorize certain media players to read said digital data when an identifier code in said media player matches said authorization code."

The Examiner has failed to present any teaching in Kurland that the media is a "digital storage medium for storing digital data" as recited by Claim 43. Kurland teaches away from the use of a digital storage medium by utilization of a "conventional

multitrack magnetic playback head 34” “operatively connected to” “a conventional four channel audio amplifier 36.” (Column 6, lines 53-54 and column 7, lines 10-12.) As Kurland does not show, teach, or suggest a “digital storage medium for storing digital data” as recited by Claim 43, Kurland cannot be held to anticipate Claim 43 and the Examiner’s rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Furthermore, the Examiner has failed to present any teaching in Kurland of “identification system module containing an authorization code, said authorization code operable to authorize certain media players to read said digital data when an identifier code in said media player matches said authorization code” as recited by Claim 43.

The specification, from line 18 of page 12 through line 18 of page 13 describes the process by which the authorization data is read from identification module and compared to an identifier of the media player.

Kurland describes the use of an authorization code, but only teaches “via passageways 76, 78, 80, and 82 by way of example, is an example, is an optically readable code.” The reader is authorized is the passageways channel light to the correct set of photodetectors.

While Kurland’s passageways may enable a reader to determine if it should play Kurland’s tape, they do not constitute an “authorization code operable to authorize certain media players to read said digital data when an identifier code in said media player matches said authorization code” as recited by Claim 43. Thus, the identification module or passageways of Kurland do not in themselves describe authorized readers. As Kurland does not show, teach, or suggest a “an identification system module containing

an authorization code describing which media players are authorized to read digital data from said digital storage medium” as recited by Claim 43, Kurland cannot be held to anticipate Claim 43 and the Examiner’s rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 18

Claim 44 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

Claim 44 depends from Claim 43 and should be deemed allowable for that reason and for further reciting, “said digital storage medium comprising an optical disc.” As the Examiner has not pointed to any reference in Kurland that shows, teaches, or suggests this limitation, Kurland cannot be held to anticipate Claim 44 and the Examiner’s rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 19

Claim 45 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

Claim 45 depends from Claim 43 and should be deemed allowable for that reason and for further reciting, “said identification system module comprising a radio frequency transponder.” As the Examiner has not pointed to any reference in Kurland that shows, teaches, or suggests this limitation, Kurland cannot be held to anticipate Claim 45 and the Examiner’s rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 20

Claim 46 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

Claim 46 depends from Claim 43 and should be deemed allowable for that reason and for further reciting, "said identification system stores usage information." As the Examiner has not pointed to any reference in Kurland that shows, teaches, or suggests this limitation, Kurland cannot be held to anticipate Claim 46 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 21:

Claim 47 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

Claim 47 depends from Claim 46 and should be deemed allowable for that reason and for further reciting, "said usage information comprises information concerning the number of times said digital data has been read." As the Examiner has not pointed to any reference in Kurland that shows, teaches, or suggests this limitation, Kurland cannot be held to anticipate Claim 47 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 22:

Claim 48 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

The Examiner has failed to present any teaching in Kurland suggesting “writing digital data onto a digital storage medium” as recited by Claim 48. Kurland teaches away from the use of a digital storage medium by utilization of a “conventional multitrack magnetic playback head 34” “operatively connected to” “a conventional four channel audio amplifier 36.” (Column 6, lines 53-54 and column 7, lines 10-12.) As Kurland does not show, teach, or suggest a “writing digital data onto a digital storage medium” as recited by Claim 48, Kurland cannot be held to anticipate Claim 48 and the Examiner’s rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Furthermore, the Examiner has failed to present any teaching in Kurland of “said identification system module containing an authorization code, said authorization code operable to authorize certain media players to read said digital data when an identifier code in said media player matches said authorization code” as recited by Claim 48.

The specification, from line 18 of page 12 through line 18 of page 13 describes the process by which the authorization data is read from identification module and compared to an identifier of the media player.

Kurland describes the use of an authorization code, but only teaches “via passageways 76, 78, 80, and 82 by way of example, is an example, is an optically readable code.” The reader is authorized is the passageways channel light to the correct set of photodetectors.

While Kurland’s passageways may enable a reader to determine if it should play Kurland’s tape, they do not constitute an “authorization code operable to authorize certain media players to read said digital data when an identifier code in said media

player matches said authorization code” as recited by Claim 48. Thus, the identification module or passageways of Kurland do not in themselves indicate authorized readers. As Kurland does not show, teach, or suggest a “said identification system module containing an authorization code, said authorization code operable to authorize certain media players to read said digital data when an identifier code in said media player matches said authorization code” as recited by Claim 48, Kurland cannot be held to anticipate Claim 48 and the Examiner’s rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 23:

Claim 49 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

Claim 49 depends from Claim 48 and should be deemed allowable for that reason and for further reciting, “writing digital data onto an optical disc.” As the Examiner has not pointed to any reference in Kurland that shows, teaches, or suggests this limitation, Kurland cannot be held to anticipate Claim 32 and the Examiner’s rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 24:

Claim 50 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

Claim 50 depends from Claim 48 and should be deemed allowable for that reason and for further reciting, “attaching an RF identification system to said digital storage medium.” As the Examiner has not pointed to any reference in Kurland that shows,

teaches, or suggests this limitation, Kurland cannot be held to anticipate Claim 50 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 25:

Claim 51 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

Claim 51 depends from Claim 48 and should be deemed allowable for that reason and for further reciting, "adding a digital watermark to said digital data." Watermarks are discussed on lines 8-18 of page 10 of the specification. As the Examiner has not pointed to any reference in Kurland that shows, teaches, or suggests this limitation, Kurland cannot be held to anticipate Claim 51 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 26:

Claim 52 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

Claim 52 depends from Claim 48 and should be deemed allowable for that reason and for further reciting, "reading said digital data from said digital storage medium; and storing usage information on said digital storage medium." Usage information is described from line 3 of page 16 through line 7 of page 17. As the Examiner has not pointed to any reference in Kurland that shows, teaches, or suggests this limitation, Kurland cannot be held to anticipate Claim 52 and the Examiner's rejection is

unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

Issue 27:

Claim 53 was anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 4,117,605 to Kurland.

Claim 53 depends from Claim 48 and should be deemed allowable for that reason and for further reciting, "reading said digital data from said digital storage medium; and transmitting usage information to a collection agency." As the Examiner has not pointed to any reference in Kurland that shows, teaches, or suggests "usage information," much less transmitting usage information to a collection agency, Kurland cannot be held to anticipate Claim 53 and the Examiner's rejection is unsupported by the prior art, fails to establish a prima facie case of anticipation, and therefore is defective and should be withdrawn.

CONCLUSION

For the foregoing reasons, Appellants respectfully submit that the Examiner's final rejection of Claims 25-40 under 35 U.S.C. § 102(b) as anticipated by Pickholtz, and Claims 43-53 under 35 U.S.C. § 102(b) as anticipated by Kurland is improper, and it is respectfully requested that the Board of Patent Appeals and Interferences so find and reverse the Examiner's rejection.

Please charge any fees necessary in connection with the filing of this paper,
including any necessary extension of time fees, to Deposit Account No. 20-0668 of Texas
Instruments Incorporated.

Respectfully submitted,



Charles A. Brill
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APPENDIX

1. (Original) A secure digital image projection system having at least one identification code identifying said image projection system, said image projection system comprising:
 - an identification system interrogator for reading an authorization code from an identification system module associated with a data storage medium;
 - a verification unit for verifying said authorization code matches said identification code;
 - a media player for reading digital data stored on said data storage medium; and
 - a projection unit for displaying said digital data on the condition that said authorization code matches said identification code.
2. (Original) The secure digital image projection system of Claim 1, said identification system module comprising an RF identification system module.
3. (Original) The secure digital image projection system of Claim 1, said identification system module comprising a TIRIS transponder.
4. (Original) The secure digital image projection system of Claim 1, wherein said digital data stored on said medium is encrypted, said projection system further comprising:
 - a decryption unit for decrypting said encrypted digital data prior to display of said digital data.
5. (Original) The secure digital image projection system of Claim 1, said image projection system further comprising:

a media jukebox for opening a tamper-proof cartridge containing said data storage medium, and for accessing said data storage medium.

6. (Original) The secure digital image projection system of Claim 1, wherein said projection system adds a digital watermark to said digital data read from said data storage medium.
7. (Original) The secure digital image projection system of Claim 1, wherein said media player adds a digital watermark to said digital data read from said data storage medium.
8. (Original) The secure digital image projection system of Claim 1, wherein said projection unit adds a digital watermark to said digital data read from said data storage medium.
9. (Original) The secure digital image projection system of Claim 1, wherein said projection system stores usage information on said identification system module.
10. (Original) The secure digital image projection system of Claim 9, wherein said usage information comprises at least one said identification code identifying said image projection system.
11. (Original) The secure digital image projection system of Claim 1, wherein said projection system transmits usage information to a collection agency.
12. (Original) The secure digital image projection system of Claim 11, wherein said usage information comprises at least one said identification code identifying said image projection system.
13. (Original) The secure digital image projection system of Claim 1:
said media player having a first identification code;

said projector unit having a second identification code; and

said verification unit comprising a first verification unit in said media player and a second verification unit in said projector unit, said authorization code comprising a first and a second authorization code, said media player only reading said digital data from said data storage medium on the condition that said first authorization code matches said first identification code, and said projector unit only displaying said digital data on the condition that said second authorization code matches said second identification code.

14. (Original) A secure digital data media player comprising:

an identification system interrogator for reading authorization information from an identification system module attached to a digital data storage medium and verifying said authorization information authorizes said media player to read said digital data storage medium; and

a media reader for reading data from said digital data storage medium and outputting said data on the condition said authorization information authorizes said media player to read said digital data storage medium.

15. (Original) The secure digital data media player of Claim 14, said identification system module comprising an RF identification system module.

16. (Original) The secure digital data media player of Claim 14, said identification system module comprising a TIRIS transponder.

17. (Original) The secure digital data media player of Claim 14, wherein said digital data stored on said medium is encrypted, said media player-projector further comprising:

a decryption unit for decrypting said encrypted digital data prior to display of said digital data.

18. (Original) The secure digital data media player of Claim 14, further comprising:
a media jukebox for opening a tamper-proof cartridge containing said data storage medium, and for accessing said data storage medium.
19. (Original) The secure digital data media player of Claim 14, wherein said media player adds a digital watermark to said data read from said digital data storage medium.
20. (Canceled)
21. (Original) The secure digital data media player of Claim 14, wherein said projection system stores usage information on said identification system module.
22. (Original) The secure digital data media player of Claim 21, wherein said usage information comprises at least one said identification code identifying said secure digital data media player.
23. (Original) The secure digital data media player of Claim 14, wherein said projection system transmits usage information to a collection agency.
24. (Original) The secure digital data media player of Claim 23, wherein said usage information comprises the at least one said identification code identifying said secure digital data media player.
25. (Original) A secure data storage medium comprising:
a digital storage medium for storing digital data; and
an identification system module corresponding to said digital storage medium, said identification system module containing an authorization code

describing which media players are authorized to read digital data from said digital storage medium.

26. (Original) The secure data storage medium of Claim 25, said digital storage medium comprising an optical disc.
27. (Original) The secure data storage medium of Claim 25, said identification system module comprising a TIRIS transponder.
28. (Previously presented) The secure data storage medium of Claim 25, said identification system module comprising a radio frequency transponder.
29. (Original) The secure data storage medium of Claim 25, wherein said identification system stores usage information.
30. (Previously presented) The secure data storage medium of Claim 29, wherein said usage information comprises information concerning the number of times said digital data has been read.
31. (Original) A method of securely distributing digital data, said method comprising:
 - writing digital data onto a digital storage medium;
 - attaching an identification system module to said digital storage medium, said identification system module containing an authorization code indicating which media readers are authorized to read said digital storage medium; and
 - transferring said digital storage medium to a user.
32. (Original) The method of Claim 31, said writing step comprising the step of writing digital data onto an optical disc.
33. (Original) The method of Claim 31, said attaching step comprising the step of attaching an RF identification system to said digital storage medium.

34. (Original) The method of Claim 31, said attaching step comprising the step of attaching a TIRIS responder to said digital storage medium.
35. (Original) The method of Claim 31, further comprising the step of:
adding a digital watermark to said digital data; and
wherein said step of writing digital data onto a digital storage medium comprises the step of writing said digital data containing said digital watermark onto said digital storage medium.
36. (Original) The method of Claim 31, further comprising the step of:
reading said digital data from said digital storage medium; and
storing usage information on said digital storage medium.
37. (Original) The method of Claim 31, further comprising the step of:
reading said digital data from said digital storage medium; and
transmitting usage information to a collection agency.
38. (Original) A method of tracking the use of information, said method comprising:
storing said information on storage media;
reading said information;
storing usage information concerning said reading step on said storage media; and
transmitting said information to an information collection agency.
39. (Original) The method of Claim 38 wherein said storing usage information step comprises:
storing usage information concerning said reading step in an
identification system module attached to said storage media.

40. (Original) The method of Claim 39 wherein said transmitting said information step comprises:
- transferring said identification system to a distributor.
41. (Canceled)
42. (Canceled)
43. (Previously presented) A secure data storage medium comprising:
- a digital storage medium for storing digital data; and
- an identification system module corresponding to said digital storage medium, said identification system module containing an authorization code, said authorization code operable to authorize certain media players to read said digital data when an identifier code in said media player matches said authorization code.
44. (Previously presented) The secure data storage medium of Claim 43, said digital storage medium comprising an optical disc.
45. (Previously presented) The secure data storage medium of Claim 43, said identification system module comprising a radio frequency transponder.
46. (Previously presented) The secure data storage medium of Claim 43, wherein said identification system stores usage information.
47. (Previously presented) The secure data storage medium of Claim 46, wherein said usage information comprises information concerning the number of times said digital data has been read.
48. (Previously presented) A method of securely distributing digital data, said method comprising:

writing digital data onto a digital storage medium;
attaching an identification system module to said digital storage medium,
said identification system module containing an authorization code, said
authorization code operable to authorize certain media players to read said
digital data when an identifier code in said media player matches said
authorization code; and
transferring said digital storage medium to a user.

49. (Previously presented) The method of Claim 48, said writing step comprising the step of writing digital data onto an optical disc.
50. (Previously presented) The method of Claim 48, said attaching step comprising the step of attaching an RF identification system to said digital storage medium.
51. (Previously presented) The method of Claim 48, further comprising the step of:
adding a digital watermark to said digital data; and
wherein said step of writing digital data onto a digital storage medium
comprises the step of writing said digital data containing said digital
watermark onto said digital storage medium.
52. (Previously presented) The method of Claim 48, further comprising the step of:
reading said digital data from said digital storage medium; and
storing usage information on said digital storage medium.
53. (Previously presented) The method of Claim 48, further comprising the step of:
reading said digital data from said digital storage medium; and
transmitting usage information to a collection agency.